

JAMES R. FROCCARO, JR.
Attorney at Law
20 Vanderventer Avenue, Suite 103W
Port Washington, NY 11050
telephone: (516) 944-5062
fax: (516) 944-5066
email: JRFESQ61@aol.com

January 5, 2023

BY ECF

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Anthony Cracchiolo
22 Cr 108 (JPC)

Dear Judge Cronan:

I am the attorney for defendant Anthony Cracchiolo. Your Honor had previously scheduled an in-person status conference in this matter for 10 a.m. on January 5, 2023. Because the assigned prosecutor was going to out of the country that week, the conference was adjourned by the Court to 4:30 p.m. on January 11, 2023. As Your Honor may recall, I previously sought permission for Mr. Cracchiolo to travel to New York from December 24, 2022, to January 6, 2023, when he is scheduled to return to his residence in Florida, with his wife and their child (who is scheduled to resume school the week of January 9).

By this letter, I am respectfully requesting that Mr. Cracchiolo be permitted to participate in the January 11 conference by telephone from Florida. The government has consented to this request, subject of course,

to Your Honor's approval. In the alternative, I am prepared to waive Mr. Cracchiolo's appearance at the status conference and respectfully request that he be excused from appearing that day.

Respectfully submitted,

/JRF/

James R. Froccaro, Jr.

JRF:pa

The request for Mr. Cracchiolo to participate remotely or to be excused from appearing is denied without prejudice. The Court's Tenth Amended Standing Order relating to video teleconferencing for criminal proceedings, No. 20 Misc. 176 (CM), Dkt. 11, extended authorization to employ videoconferencing only for sixty days from September 18, 2022, and no subsequent Standing Order has been issued. Such Standing Orders were the basis on which Defendants were permitted to appear remotely at prior court conferences. In the event that Mr. Cracchiolo wishes to participate remotely or to be excused from appearing at the January 11 conference, counsel must identify an authority permitting such arrangements—for example, whether a Court or other authority has held Federal Rule of Criminal Procedure 43 to permit a defendant to appear remotely or not to be excused from appearing at similar conferences.

SO ORDERED
Date: January 6, 2023
New York, New York



JOHN P. CRONAN
United States District Judge